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6 EQUITABLE FINANCIAL LIFE  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION

11 EQUITABLE FINANCIAL LIFE  
12 INSURANCE COMPANY,

13 Plaintiff,

14 v.

15 CANOPY ORCHARDS, LLC, et al.,

16 Defendants.

CASE NO. 1:23-CV-00589-CBD

**STIPULATION TO REMAND OF  
REMOVED ACTION; ORDER  
THEREON**

**Complaint Filed: 2/21/2023 (Kern County)  
Removed to Federal: 4/17/2023**

17 Plaintiff Equitable Financial Life Insurance Company, formerly known as AXA Equitable  
18 Life Insurance Company (the “Equitable Financial” or “Plaintiff”), Defendant Canopy Orchards,  
19 LLC (“Canopy”) and Defendant Fresno-Madera Production Credit Association (“Fresno-Madera”)  
20 stipulate as follows:

21 1. On February 21, 2023, Equitable Financial commenced an action in the Superior  
Court of the State of California in and for the County of Kern, entitled Equitable Financial Life  
Insurance Company, formerly known as AXA Equitable Life Insurance Company, a New York  
corporation, Plaintiff v. Canopy Orchards, LLC, a California limited liability company, Fresno-  
Madera Production Credit Association, U.S. Small Business Administration, and Does 1-20,  
inclusive, Defendants, as Case Number BCV-23-100533 (the “Action”).

22 2. Defendants acknowledged service of the complaint on or about March 29, 2023.

1       3. On April 17, 2023, Defendant U.S. Small Business Administration (the "SBA")  
2 filed a notice of removal of the Action pursuant to 28 U.S.C. §1446(d) with the United States  
3 District Court for the Eastern District of California. The basis for the removal was 28 U.S.C. §  
4 2410 the SBA's status as an agency of the United States government and the Plaintiff's request for  
5 relief as to real or personal property on which the SBA has or claims a lien.

6       4. On April 18, 2023, Defendant SBA completed the removal process by filing a  
7 conformed copy of the notice of removal with the Kern County Superior Court.

8       5. On June 26, 2023, the District Court entered a minute order (Docket No. 15) in this  
9 action dismissing the SBA from the action.

10      6. Based upon the dismissal of the SBA, the basis for the removal and jurisdiction of  
11 the federal District Court no longer exists and the remaining parties Equitable, Canopy, and Fresno-  
12 Madera have agreed and hereby stipulate that the Action should be remanded back to the Kern  
13 County Superior Court.

14

15 Dated: June 29, 2023

FELDERSTEIN FITZGERALD  
WILLOUGHBY PASCUZZI & RIOS LLP

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17 By: /s/ Jason E. Rios (as authorized June 29, 2023)  
18 JASON E. RIOS  
19 Attorneys for Plaintiff  
Equitable Financial Life Insurance Company

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Dated: June 29, 2023

BAKER MANOCK & JENSEN

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By: /s/ Diane E. Coderniz  
22 DIANE E. CODERNIZ  
23 Attorneys for Defendant  
Canopy Orchards, LLC

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Dated: June 29, 2023

FRANDZEL ROBINS BLOOM & CSATO, L.C.

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By: /s/ Michael J. Gomez  
26 MICHAEL J. GOMEZ  
27 Attorneys for Defendant  
Fresno-Madera Production Credit Association

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## ORDER

On June 29, 2023, the Parties to the above-referenced action filed a Stipulation to Remand of Removed Action. The Court having reviewed that stipulation and good cause appearing, orders as follows:

1. This action is remanded to the Superior Court of the State of California, County of Kern.
  2. The Clerk of Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: June 30, 2023

  
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UNITED STATES MAGISTRATE JUDGE